NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

☐ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).

☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).

☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).

☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."

☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).

☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable from of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).

☒ 7. Other: The sequence listing filed 8/21/00 includes both nucleic acid and amino acid sequences sharing a single sequence identifier. See for example SEQ ID NO:1, in which both nucleic acid and amino acid sequences are listed. In the Reply filed 4/29/08, Applicant argues that SEQ ID NO:1 refers only to a nucleotide sequence (Table on page 7). However, the instant claims refer to "the amino acid sequence shown in SEQ ID NO:1". Similarly, the specification refers to "the amino acid sequence as set forth in SEQ ID NO: 1" (see, e.g., page 7, lines 19-20 and page 8, lines 1-4). Therefore, it is not clear whether SEQ ID NO:1 is being used to designate a nucleotide or an amino acid sequence; a single sequence identifier cannot be used to designate both a nucleotide and an amino acid sequence.

Applicant Must Provide:

☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing". Entries for each SEQ ID NO. should include only <u>one</u> sequence (which may be a nucleotide or amino acid sequence, but not both).

☒ An initial or substitute paper copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application.** Applicant should amend the specification and claims so that references to specific amino acid sequences and/or residues are accompanied by SEQ ID NOs corresponding to amino acid sequences. For example, in claim 1, references to "the amino acid sequence shown in SEQ ID NO:1" require correction if Applicant intends SEQ ID NO:1 to designate a nucleotide sequence rather than an amino acid sequence.

☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (571) 272-0731 or (571) 272-0951
For CRF Submission Help, call (571) 272-2510
PatentIn Software Program Support
Technical Assistance.1-866-217-9197 or 703-305-3028 or 571-272-6845
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